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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO,
et al.,
Plaintiffs,
v.
DONALD J. TRUMP, in his official
capacity as President of the United States, et
al.,
Defendants.

NO. 3:25-cv-03698-SI
BRIEF OF AMICI CURIAE
WASHINGTON, ARIZONA,
CALIFORNIA, COLORADO,
CONNECTICUT, DISTRICT OF
COLUMBIA, DELAWARE,
HAWAI'I, ILLINOIS, MARYLAND,
MAINE, MICHIGAN, MINNESOTA,
NEVADA, NEW JERSEY, NEW
MEXICO, NEW YORK, NORTH
CAROLINA, OREGON, RHODE
ISLAND, AND VERMONT IN
SUPPORT OF PLAINTIFFS'
MOTION FOR TEMPORARY
RESTRANING ORDER

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I. INTRODUCTION AND INTERESTS OF AMICI CURIAE

The States of Washington, Arizona, California, Colorado, Connecticut, Delaware, Hawai‘i, Illinois, Maryland, Maine, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, and Vermont and the District of Columbia (Amici States) are collectively home to tens of thousands of federal employees, including members of Plaintiffs and their local affiliates, who provide important government services to Amici States and their residents. Collaborations and partnerships with federal agencies and employees are integral to the Amici States’ ability to deliver critical services to their citizens.

The dismantling of federal agencies and mass federal employee layoffs at issue in this case exceed the power of the Executive under separation of powers principles. Defendants' unlawful actions substantially disrupt the ability of Amici States to protect and serve the public, and pose serious risk to their citizens' health, safety, and even lives. All manner of state programs—including emergency planning and response, infrastructure repair, environmental protection, public health, and much more—depend on federal counterparts to provide necessary services, information, and resources to function effectively. Defendants' unlawful actions disrupt these partnerships and impair Amici States' ability to respond to natural disasters, manage health emergencies, conduct scientific research, enforce safety and labor standards, and minimize environmental harm, and fulfill many other obligations to their citizens.

The harms that the Amici States are experiencing, and will continue to experience, support a finding that the public interest would be served by entering a temporary restraining order.

II. BACKGROUND

Federal and state governments cooperate with each other regularly to share resources and information, respond to emergencies, protect the environment, and perform a wide range of work to protect the health, welfare, and well-being of the public. When the federal government destabilizes and dismantles its own agencies, including by terminating a substantial proportion of its employees, with little planning or notice to affected individuals or States, it abruptly upends the States' ability to protect and serve their residents.

Numerous federal statutes ensure that the federal government collaborates with state and local governments on a broad range of issues, such as the U.S. Geological Survey’s work to identify, assess, and plan for landslide hazards, 43 U.S.C. §§ 3101(8), 3102(b); the creation of a tsunami hazard mitigation program by the Environmental Protection Agency and Federal Emergency Management Agency (FEMA), 33 U.S.C. § 3204(b); the U.S. Forest Service’s extensive coordination with states when managing national land and conducting prescribed burns, 16 U.S.C. § 551c-1(b); HHS’s national suicide and mental health hotlines, 42 U.S.C. §§ 280g-18(c)(4), 290bb-36c(c); U.S. Department of Agriculture’s (USDA) deployment of a team to address “threat[s] to human health from food-borne pathogens,” 7 U.S.C. § 7656(b)(6),(d); FEMA’s responsibilities to develop operational plans, 6 U.S.C. § 753(b)(2), and “coordinate the administration of relief” after emergency declarations, 42 U.S.C. § 5143(b)(3), (c); and USDA’s plans to respond to diseases or pests of concern, 7 U.S.C. § 8914(b)(2), to name a few. These partnerships and collaborations are indispensable to the ability of Amici States to effectively perform their duties to their citizens.

Amici States have already experienced the extraordinarily widespread impact of Defendants' attempt to abruptly demolish the work and workforce of so many federal agencies

1 and departments at once, and are increasingly concerned that their ability to manage natural
 2 disasters like floods and wildfires, treat emergent diseases, protect workers from workplace
 3 safety hazards, address homelessness, and provide innumerable other critical services that their
 4 constituents depend upon, will be substantially, if not catastrophically, impaired.

5 III. ARGUMENT

6 A. Defendants' Extensive RIFs and Reorganizations of Federal Agencies 7 Impermissibly Trample on Power Reserved to Congress

8 Defendants' mass layoffs and wholesale closure of offices, departments and agencies
 9 exceed the Executive's authority, and have impermissibly prevented those federal entities from
 10 performing statutorily mandated work. Defendants' actions violate the separation of powers
 11 doctrine, a foundational tenet of our Constitution. *Seila Law LLC v. CFPB*, 591 U.S. 197, 227
 12 (2020).

13 Article I of the Constitution vests all legislative powers in Congress. U.S. Const. art. I,
 14 § 1. The Constitution also "exclusively grants the power of the purse to Congress, not the
 15 President." *City & County of San Francisco v. Trump*, 897 F.3d 1225, 1231 (9th Cir. 2018)
 16 (citing U.S. Const. art. I, § 9, cl. 7). The President's constitutional authority, set forth in
 17 Article II, "must stem either from an act of Congress or from the Constitution itself."
 18 *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 585 (1952). "[T]he President's power
 19 to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker." *Id.* at 587.
 20 Accordingly, the Executive has no power "to enact, to amend, or to repeal statutes." *Clinton v.*
 21 *City of New York*, 524 U.S. 417, 438 (1998). And "settled, bedrock principles of constitutional
 22 law" require the Executive to expend the funds that Congress duly authorizes and appropriates.
 23 *In re Aiken County*, 725 F.3d 255, 259 (D.C. Cir. 2013)); 2 U.S.C. § 683(b) (all funds

1 appropriated by Congress “shall be made available for obligation” unless Congress has rescinded
 2 the appropriation). “[E]ven the President does not have unilateral authority to refuse to spend
 3 the funds” Congress appropriates. *Aiken County*, 725 F.3d at 261 n.1.

4 The constitutional separation of powers ensures that only Congress may create, define,
 5 or dismantle federal agencies. *See Free Enter. Fund v. Pub. Co. Acct. Oversight Bd.*, 561 U.S.
 6 477, 500 (2010) (“Congress has plenary control over the salary, duties, and even existence of
 7 executive offices.”); *La. Pub. Serv. Comm’n v. FCC*, 476 U.S. 355, 374 (1986) (“[A]n agency
 8 literally has no power to act . . . unless and until Congress confers power upon it.”); *Myers v.*
 9 *United States*, 272 U.S. 52, 129 (1926) (“To Congress under its legislative power is given the
 10 establishment of offices” and “the determination of their functions and jurisdiction.”). No
 11 authority allows the President or the head of an agency to take actions that incapacitate core
 12 functions of an agency that Congress created and funded. *See Aids Vaccine Advoc. Coal. v. U.S.*
 13 *Dep’t of State*, __ F. Supp. 3d __, No. 25-00400 (AHA), 2025 WL 752378, at *17 (D.D.C.
 14 Mar. 10, 2025) (explaining that it is not for the Executive to refuse to undertake statutorily
 15 prescribed work for which Congress has power of the purse by disregarding mandatory statutory
 16 duties and congressional appropriations), *appeal docketed*, No. 25-5098 (D.C. Cir.). “And ‘the
 17 President may not decline to follow a statutory mandate . . . simply because of policy
 18 objections.’” *City & County of San Francisco*, 897 F.3d at 1232 (quoting *Aiken County*, 725
 19 F.3d at 259).

20 Defendants’ structural dismantling of federal agencies and departments cannot be
 21 reconciled under the separation of powers doctrine with statutes mandating that federal agencies
 22 undertake specific activities, for which Congress appropriated funds. For this reason, Plaintiffs
 23 are likely to succeed on the merits of their separation of powers claim.

1 **B. The Dismantling of Federal Agencies and Mass Firing of Federal Employees Harms**
 2 **Amici States**

3 Defendants' extensive reorganization of federal agencies and mass firing of federal
 4 employees have damaging—in some cases devastating—repercussions in the Amici States.
 5 These harms are spread across countless state agencies and programs that rely every day on the
 6 services of agencies and employees throughout the federal government to protect and serve their
 7 constituents. Because the States “possess sovereignty concurrent with that of the Federal
 8 Government,” *Gregory v. Ashcroft*, 501 U.S. 452, 457-58 (1991), they are equal sovereign
 9 entities charged to advance the public interest. The harms the Amici States have experienced as
 10 a result of Defendants' unlawful actions thus constitute a distinct harm to the public interest. A
 11 temporary restraining order would advance the public interest in that it would stop unlawful
 12 actions that harm the Amici States and their residents. *See League of Women Voters of U.S. v.*
 13 *Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016) (emphasizing a “substantial public interest ‘in having
 14 governmental agencies abide by the federal laws that govern their existence and
 15 operations’” (quoting *Washington v. Reno*, 35 F.3d 1093, 1103 (6th Cir. 1994))).

16 The significant cuts in programs and workforce Defendants have already made at the
 17 Centers for Disease Control (CDC) are illustrative of the harms Amici States face. For example,
 18 the work of the National Center for Chronic Disease Prevention and Health Promotion within
 19 the CDC focuses on leading causes of preventable deaths in the United States. It oversaw the
 20 Division of Reproductive Health (DRH) and Office on Smoking and Health (OSH) until
 21 Defendants effectively eliminated both.

22 DRH worked to improve the health of women and infants by studying maternal mortality,
 23 improving quality of care for mothers and infants, and collecting quality data on women and

1 infants, including through the Pregnancy Risk Assessment Monitoring System (PRAMS), a
 2 population-based surveillance system mandated by Congress to collect data nationwide
 3 regarding maternal and infant health outcomes. 42 U.S.C. § 247b-13(a). Defendants fired nearly
 4 all of the employees in DRH, and the CDC has notified states that it is unable to continue to
 5 provide resources promised under PRAMS agreements it entered with them. It is unclear how
 6 the statutorily mandated collection, review, and publication of DRH data, or the maintenance of
 7 DRH data systems, can continue without a workforce to conduct the work. Amici States have
 8 lost their PRAMS partnership support and the critical reproductive health data that came with it,
 9 including data on maternal and infant health outcomes, maternal mortality, and pregnancy
 10 success rates in IVF. The PRAMS agreements also committed substantial grant funding and
 11 provided post-award trainings and technical assistance by CDC program officials. These
 12 resources will be lost to Amici States with the termination of DRH staff who managed the grants
 13 and ran the trainings.

14 OSH is the lead federal agency for tobacco prevention and control, and played a critical
 15 role in preventing smoking and tobacco use among youth and adults. It also funded tobacco
 16 control efforts in the states. Defendants terminated nearly all of OSH's employees, leaving it
 17 unable to fulfill its statutory mandates to collect and publish relevant data, manage annual
 18 submissions of cigarette ingredient reports from manufacturers and importers, and monitor
 19 tobacco use trends and health impacts. Amici States rely on these reports, including as a basis
 20 for their tobacco control or enforcement laws. Losing OSH resources will also impair Amici
 21 States' ability help their citizens quit tobacco use.

22 The National Center for HIV, Viral Hepatitis, STD and Tuberculosis Prevention within
 23 the CDC fulfills its mission to reduce the incidence of infection, morbidity, mortality, and health

1 disparities in the U.S. and abroad by monitoring public health, researching disease prevention,
 2 funding local disease-prevention programs, and developing tools for providers and at-risk
 3 communities. It oversees the Division of HIV Prevention (DHP), whose mission includes
 4 preventing HIV infection and reducing HIV-related illness and death. Defendants fired the entire
 5 staff of several DHP branches, including those responsible for behavioral and clinical
 6 surveillance HIV research, HIV prevention capacity development, prevention communications,
 7 quantitative sciences, and all global work. As a result, Amici States have lost important resources
 8 for reducing HIV-related illness and death.

9 Defendants also eliminated entire teams at the National Center for Injury Prevention and
 10 Control (NCIPC), whose mission is to prevent injury, overdose, suicide and violence across the
 11 lifespan through science and action. 42 U.S.C. § 280b. Among the teams eliminated were those
 12 that focused on motor vehicle crashes, child maltreatment, rape prevention and education,
 13 drowning, traumatic brain injury, falls in the elderly, and other topics. Amici States relied on
 14 NCIPC and its data on injury and violence in efforts to prevent these types of lethal accidents.
 15 The significant workforce cuts mean that data collection efforts will be significantly limited, and
 16 data previously collected from hospitals throughout the country on injuries from motor vehicle
 17 crashes, falls, adverse drug and alcohol effects and work-related injuries in the National
 18 Electronic Injury Surveillance System will no longer be collected.

19 Defendants also eliminated the Division of Environmental Health Science and Practice
 20 within the CDC, which provided critical environmental health support and funding for
 21 environmental health departments and other partners. This Division was responsible for asthma
 22 control and lead poisoning prevention, and maintained the Environmental Public Health
 23 Tracking Program, which provided Amici States with data to inform their responses to

1 environmental health emergencies. The loss of these resources impairs Amici States' ability to
 2 prepare for and manage such emergencies.

3 Defendants eliminated a substantial percentage of the scientists and public health
 4 workers at the National Center for Birth Defects and Developmental Disabilities within the
 5 CDC, including eliminating the Division of Blood Disorders and Public Health Genomics, which
 6 performed research on conditions affecting blood, such as hemophilia and sickle cell disease.
 7 Defendants also completely eliminated the Disability and Health Promotion Branch. Amici
 8 States will lose federal expertise and support in these areas.

9 Cuts at the CDC are by no means the only ones that harm Amici States. In Washington
 10 State, for example, federal agencies are invaluable partners for the State Department of Ecology
 11 (Ecology), which relies extensively on work performed by employees at FEMA, the Bureau of
 12 Reclamation, the National Oceanic and Atmospheric Administration (NOAA), the United States
 13 Forest Service, the National Parks Service, and the Fish and Wildlife Service, among others.
 14 Washington's Department of Ecology relies on its federal partners to protect Washington's
 15 citizens and infrastructure from flood risk, manage water resources throughout the State, protect
 16 State coastal resources, manage millions of acres of national forest, maintain and restore
 17 ecological forest health, protect wetlands, and address drought conditions. Disruptions in
 18 staffing at these federal agencies substantially impair this work. Terminations at NOAA also
 19 threaten the existence of data critical to Ecology's management of Washington's shellfish, its
 20 shellfish industry, and water quality generally.

21 The Washington Department of Fish and Wildlife, which is responsible for managing
 22 fish and wildlife resources throughout the State, also interacts extensively with employees at
 23 NOAA, and mass terminations have interfered with projects aimed at releasing salmon from

1 hatcheries and reintroducing salmon into the ocean as a food source for killer whales, which is
 2 predicted to have a devastating impact on important sectors of Washington's economy, as well
 3 as a deleterious effect on salmon populations that will affect the State for years to come.
 4 Sweeping terminations of employees at the Department of Housing and Urban Development
 5 could effectively incapacitate Washington's housing authorities, which provide vital services to
 6 low-income Washingtonians. Mass firings at the National Institutes of Health have deep
 7 financial implications for Washington's top research institutions. Terminations of National Park
 8 Service employees will lead to unsafe conditions in Washington's national parks—which receive
 9 tens of millions of visitors per year—and hamper park rangers' ability to assist or rescue injured
 10 visitors. Terminations at agencies like the Bureau of Reclamation and the U.S. Army Corps of
 11 Engineers risk compromising critical infrastructure such as the Grand Coulee Dam, the largest
 12 hydropower producer in the United States. And employee terminations impacting wildfire
 13 response will significantly diminish Washington's ability to prevent, respond, and contain
 14 catastrophic wildfires. These harms are just a few of those experienced by Washington, and the
 15 other Amici States similarly face a variety of harms and challenges as a result of Defendants'
 16 actions.

17 In sum, the Amici States rely extensively on programs mandated by Congress, data
 18 created by the federal government, and on collaboration and partnership with federal agencies
 19 and employees to protect the health and welfare of their citizens, fight communicable diseases,
 20 combat homelessness, keep waters clean, and respond to natural disasters such as floods and
 21 wildfires, among many other critical functions. Defendants' dismantling of federal agencies and
 22 termination of federal employees impedes these efforts, and the harm will only compound over
 23

1 time if allowed to stand. Harm to the public interest, including that of the Amici States, weighs
2 heavily in favor of injunctive relief.

3 **IV. CONCLUSION**

4 For all the reasons above, and those in Plaintiffs' motion, this Court should enter a
5 temporary restraining order.

6 DATED this 8th day of May, 2025.

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